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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/553,204

Applicant(s)

WEINER, MOSHE

Examiner

Man Phan

Art Unit

2475

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2010.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-50 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

Response to Amendment and Argument

1. This communication is in response to applicant's 03/09/2010 Amendment in the application of Weiner for the “**METHODS AND SYSTEM FOR INSTANT VOICE MESSAGING AND INSTANT VOICE MESSAGE RETRIEVAL**” filed 6/21/2006. This application is a national stage entry of PCT/IL04/00370, International Filing Date: 05/02/2004. The amendment and response has been entered and made of record. Claims 1-50 are pending in the present application.
2. Applicant's remarks and argument to the rejected claims are insufficient to distinguish the claimed invention from the cited prior arts or overcome the rejection of said claims under 35 U.S.C. 103 as discussed below. Applicant's argument with respect to the pending claims have been fully considered, but they are not persuasive for at least the following reasons.
3. In response to Applicant's argument that the references fail to show certain features of Applicant's invention (remark page 1, third paragraph) on which the Applicant relies as discussed in the specification (page 1, last paragraph). However, It is the claims that define the claimed invention, and it is claims, not specifications that are anticipated or unpatentable. *Constant v. Advanced Micro-Devices Inc.*, 7 USPQ2d 1064. Although the claims are interpreted in light of the specification. Limitations from the specification are not read into the claims. In re Van Guens, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

4. In response to applicant's argument that the combination of cited references fails to present a *prima facie* case of obviousness. In response, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). It is not necessary that a "prima facie" case of unpatentability exist as to the claim in order for "a substantial new question of patentability" to be present as to the claim. Thus, "a substantial new question of patentability" as to a patent claim could be present even if the examiner would not necessarily reject the claim as either fully anticipated by, or obvious in view of, the prior art patents or printed publications. As to the importance of the difference between "a substantial new question of patentability" and a "prima facie" case of unpatentability see generally *In re Etter*, 756 F.2d 852, 857 n.5, 225 USPQ 1, 4 n.5 (Fed. Cir. 1985). Also, See MPEP § 2141.01(a) for a discussion of analogous and nonanalogous art in the context of establishing a *prima facie* case of obviousness under 35 U.S.C. 103. See MPEP § 2131.05 for a discussion of analogous and nonanalogous art in the context of 35 U.S.C. 102. 904.02. The Examiner recognizes that references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. *In re Nomiya*, 184 USPQ 607 (CCPA 1975). However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. *In re McLaughlin*, 170 USPQ 209 (CCPA 1971). It must be recognized that any judgement on obviousness is in a sense necessarily a reconstruction based

upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. *In re McLaughlin*, 443, F.2d 1392; 170 USPQ 209 (CCPA 1971).

5. In response to Applicant's argument that the reference does not teach or reasonably suggest the functionality upon which the Examiner relies for the rejection. The Examiner first emphasizes for the record that the claims employ a broader in scope than the Applicant's disclosure in all aspects. In addition, the Applicant has not argued any narrower interpretation of the claim limitations, nor amended the claims significantly enough to construe a narrower meaning to the limitations. Since the claims breadth allows multiple interpretations and meanings, which are broader than Applicant's disclosure, the Examiner is required to interpret the claim limitations in terms of their broadest reasonable interpretations while determining patentability of the disclosed invention. See MPEP 2111. In other words, the claims must be given their broadest reasonable interpretation consistent with the specification and the interpretation that those skilled in the art would reach. See *In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000), *In re Cortright*, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999), and *In re American Academy of Science Tech Center*, 2004 WL 1067528 (Fed. Cir. May 13, 2004). Any term that is not clearly defined in the specification must be given its plain meaning as understood by one of ordinary skill in the art. See MPEP 2111.01. See also *In re Zletz*, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989), *Sunrize Roots Enter. Co. v. SRAM Corp.*, 336 F.3d 1298, 1302, 67 USPQ2d 1438, 1441 (Fed. Cir. 2003), *Brookhill-*

Wilk I, LLC v. Intuitive Surgical, Inc., 334 F.3d 1294, 1298 67 USPQ2d 1132, 1136 (Fed. Cir. 2003). The interpretation of the claims by their broadest reasonable interpretation reduces the possibility that, once the claims are issued, the claims are interpreted more broadly than justified. See *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969). Also, limitations appearing in the specification but not recited in the claim are not read into the claim. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore, the failure to significantly narrow definition or scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims in parallel to the Applicant in the response and reiterates the need for the Applicant to distinctly define the claimed invention.

Since no substantial amendments have been made and the Applicant's arguments are not persuasive, the claims are drawn to the same invention and the text of the prior art rejection can be found in the previous Office Action. Therefore, the Examiner maintains that the references cited and applied in the last office actions for the rejection of the claims are maintained in this office action.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-4,6-12,19,21-25,33-34,36-37 and 43-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holt et al (US#2003/0118160 A1) in view of Ball et al (US# 6,240,391 B1).

Regarding claim 1, Holt et al disclose in a non- Internet protocol (IP) communications network, a system for instant voice messaging (Fig.1 shows network-based voice messaging system) comprising: a. an instant voice messaging (IVM) server (Fig.1 shows voice messaging server 108) operative to essentially simultaneously receive from an initiating user (telephone 116 calls the subscriber at telephone 106, the call will be processed by the subscriber's host switch 102 in the normal manner. If subscriber line 106a is busy or the call is not answered, the call is forwarded from switch 102 to VMS server 108 via PSTN 110 and switch 104 see [0007] lines 1-6). b. a switch (see switch 104) coupled to the IVM server (Fig.1 shows voice messaging server 108) and operative to effect communications between the initiating user (Fig. 1 shows subscriber 116) and each the at least one target user (Fig. 1 shows subscriber 106) and the IVM server (Fig.1 shows voice messaging server 108), as well as between the initiating and the at least one target users; whereby each voice message originating from the initiating user may be instantly transmitted over the non-IP based communications network to the at least one target user (telephone 116 calls the subscriber at telephone 106, the call will be processed by the subscriber's host switch 102 in the normal manner. If subscriber line 106a is busy or the call is not answered, the call is forwarded from switch 102 to VMS server 108 via PSTN 110 and switch 104 see [0007] lines 1-6).

However, Holt et al does not disclose at least one voice message fragment and stream the at least one voice fragment to at least one target user. Ball et al from the same or similar

endeavor teach (the messaging system receives and stores the PML- formatted message sent by the sender over the data network. Upon being accessed by the recipient for retrieval of the message, the system accesses the message, and a processor interprets the PML markup within the message to effect playing of the textual and/or audio fragments of the message to the recipient in accordance with the embedded instructions associated with that markup see col :3 lines 24-32).

Thus it would have been obvious to one of ordinary skill in the art to implement the method of Ball et al in the system of Holt et al. The method of Holt et al can be implemented on any type of method at least one voice message fragment and stream the at least one voice fragment to at least one target user which is taught by Ball et al with a motivation to re-assemble the message fragments into a unified message for presentation to the recipient of the message.

Regarding claim 2, note that Holt et al disclose the system (FIG. 1 shows how conventional voice messaging services operate. PSTN domain 100 includes telephony systems such as switches 102 and 104 see [0006] lines 1-3), wherein the non – IP based communication network is a telephony network (figure. 1 shows PSTN 110) and wherein the switch is a telephony switch (domain 100 includes telephony systems such as switches 102 and 104 See [0006] lines 2-3).

Regarding claim 3, note that Ball et al teach the system, wherein the IVM server (Integrating messaging system 104 see col :4 lines 48-55 and fig. 1) includes a fragment storage and streaming module operative to provide the essentially simultaneous reception and transmission of the at least one voice fragment (A structured message prepared by the sender from, as an example, client terminal 101, and which includes a plurality of messaging elements that are formatted with PML markup, or the like, is sent to such an integrated messaging system

104 having these functionalities and then stored. When the recipient accesses messaging system 104, the message is retrieved from storage and processed in accordance with the embedded instructions with the PML marked-up stored message. The messaging system 104, thus includes an interpreter that is able to interpret the embedded instructions and audibly present the message to the recipient in the manner intended by sender. Thus, the various messaging elements may include a combination of textual fragments within the body of the message, audio and/or textual fragments in data files attached to and stored with the message, and textual and/or audio fragments stored at specified URLs on IP network 105 see xol:6 lines 51-67).

Regarding claim 4, note that Holt et al disclose the system, wherein the telephony network is selected from the group consisting of a cellular network and a wire-line network (FIG. 1 shows how conventional voice messaging services operate. PSTN domain 100 includes telephony systems such as switches 102 and 104 see [0006] lines 1-3).

Regarding claim 6, note that Holt et al disclose the system, wherein the operativeness of the switch to effect communications between each the initiating and target users and the IVM server is facilitated by an IVM number assigned to each the user (When a caller, using, for example, telephone 116 calls a subscriber at telephone 106, the call may be processed by the subscriber's switch 102 in the normal manner. That is, the switch may attempt to terminate (i.e., connect) the call to the subscriber's line 106a. If subscriber line 106a is busy or the call is not answered, the call may be forwarded from switch 102 to inbound media gateway 112 via communications link 10 that inherent a phone number [0023] lines 1-8).

Regarding claim 7, note that Ball et al teach the system, wherein the IVM number is selected from the group of an individual user IVM number and a multiple target user IVM

number (The messaging system 104, as will be described, is also capable of accepting and processing touch-tone keypad or voice inputs from the recipient received during the recipient's interaction with the structured message although the recipient is shown in FIG. 1 connected by his telephone 106 to messaging system 104 via PSTN 107, it is recognized that the recipient could also be connected via his telephone set to the messaging system over an IP-telephony connection, or over any other type of analog or data network see coin: 4 lines 57-65).

Regarding claim 8, note that Ball et al teach the system, wherein each individual user IVM number includes a session identifier and a telephone number (although the recipient is shown in FIG. 1 connected by his telephone 106 to messaging system 104 via PSTN 107, it is recognized that the recipient could also be connected via his telephone set to the messaging system over an IP-telephony connection, or over any other type of analog or data network see coin: 4 lines 60-65)

Regarding claim 9, note that Ball et al teach the system, wherein the session identifier is selected from the group consisting of a prefix located before the telephone number and a suffix located after the telephone number (The messaging system 104, as will be described, is also capable of accepting and processing touch-tone keypad or voice inputs from the recipient received during the recipient's interaction with the structured message although the recipient is shown in FIG. 1 connected by his telephone 106 to messaging system 104 via PSTN 107, it is recognized that the recipient could also be connected via his telephone set to the messaging system over an IP-telephony connection, or over any other type of analog or data network see coin:4 lines 57-65)

Regarding claim 10, note that Ball et al teach the system, wherein the prefix and the suffix each include a three-digit number (the messaging system 104 dials out to that telephone number over PSTN 107 (or the equivalent for non-PSTN destinations) and, on answer, plays the sequence of DTMF tones corresponding to the "extension", and then allows the recipient to continue on telephone set 106 with the just established call to the answering party at telephone set 115 see coln:13 lines 18-24).

Regarding claim 11, note that Ball et al teach, wherein the multiple target user IVM number includes, in order, an IVM session identifier, a multiple target user identifier, and a telephone number of each the at least one target user (In addition to links to telephone numbers or IP telephony addresses, the message may contain embedded links that specify destinations for messaging rather than telephony connections. Examples of the include email addresses and Web services for HTTP upload. If the recipient chooses to act on one of these links, a voice message may be recorded and sent to the specified link address as, for example, an email attachment see coin: 13 lines 37-44).

Regarding claim 12, note that Ball et al teach, wherein the IVM session identifier is a three- digit number (the messaging system 104 dials out to that telephone number over PSTN 107 (or the equivalent for non-PSTN destinations) and, on answer, plays the sequence of DTMF tones corresponding to the "extension", and then allows the recipient to continue on telephone set 106 with the just established call to the answering party at telephone set 115 see coin: 13 lines 18-24).

Regarding 19, note that Ball et al teach the system, further comprising a paging system selected from the group consisting of a text paging system and a voice paging system (Similarly,

by inputting text through the text input window 1011, the sender can create textual fragments to be incorporated as part of the message which, when received by the messaging system and retrieved by the recipient, will be converted from text into speech see coin:26 lines 7-12 and Fig. 10), the paging system coupled to the IVM server, wherein the IVM server further includes a voice recognition module operative to convert voice messages into voice paging messages (the recipient to navigate between messaging elements through voice and/or keypad inputs, as if the recipient was connected to an active interactive voice response (IVR) system. The recipient will thus hear those content-related messaging elements from within the structured message that are associated with and are responsive to his command inputs see coin:2 lines 28-34), and ii. a text-to-speech recognition module (the message is formulated by converting the text to speech using a text-to-speech processor see coin: 3 lines 34-36) operative to convert voice messages into text messages (At step 606, if the recipient has made an audio input, the ASR processor within the messaging system converts the recipient's input to textual or numerical information see coin: 18 lines 56-59) and wherein the paging system is operative to communicate the voice paging messages and the text messages to a pager belonging to the at least one target user (Text-to-speech (TTS) module 910, which may be implemented in hardware, software, or a combination of hardware and software, includes a digital signal processor, which may be implemented within the module itself or on CPU 904. TTS module 910 converts the textual fragments within the structured message to speech during play-out of the message to the recipient. Automatic speech recognition (ASR) module 911, which may also be implemented in hardware software, or a combination of hardware and software, monitors the recipient's audio input, recognizing the recipient's utterances see coin: 25 lines 40-50).

Regarding claim 21, Holt et al disclose a method for relaying an instant voice message (Fig.1 shows network-based voice messaging system) from an initiating user (Fig. 1 shows subscriber 116) to at least one target user (Fig. 1 shows subscriber 106) over a non-Internet protocol (IP) communications network (see PSTN 110 of Fig.1), comprising the steps of: at an instant voice messaging (IVM) server (Fig. 1 shows voice messaging server 108). Holt et al do not disclose receiving at least one voice message fragment from an initiating user and essentially simultaneously with the step of receiving, streaming the at least one voice fragment to at least one target user. Ball et al from the same or similar endeavor teach (the messaging system receives and stores the PML-formatted message sent by the sender over the data network. Upon being accessed by the recipient for retrieval of the message, the system accesses the message, and a processor interprets the PML markup within the message to effect playing of the textual and/or audio fragments of the message to the recipient in accordance with the embedded instructions associated with that markup see col :3 lines 24-32). Thus it would have been obvious to one of ordinary skill in the art to implement the method of Ball et al in the system of Holt et al. The method of Holt et al can be implemented on any type of method receiving at least one voice message fragment from an initiating user and essentially simultaneously with the step of receiving, streaming the at least one voice fragment to at least one target user which is taught by Ball et al with a motivation to re-assemble the message fragments into a unified message for presentation to the recipient of the message.

Regarding claim 22, Holt et al disclose modified by Ball et al teach the method, wherein the step of receiving at least one voice message fragment from an initiating user (Ball et al : the messaging system receives and stores the PML-formatted message sent by the sender over the

data network. Upon being accessed by the recipient for retrieval of the message, the system accesses the message, and a processor interprets the PML markup within the message to effect playing of the textual and/or audio fragments of the message to the recipient in accordance with the embedded instructions associated with that markup see col :3 lines 24-32) includes i. providing a switch (Holt et al: see switch 104) coupled to the IVM server (Holt et al: Fig. 1 shows voice messaging server 108) and operative to effect communications between each the initiating and target users and the IVM server, as well as between the initiating user and the at least one of target user (telephone 116 calls the subscriber at telephone 106, the call will be processed by the subscriber's host switch 102 in the normal manner. If subscriber line 106a is busy or the call is not answered, the call is forwarded from switch 102 to VMS server 108 via PSTN 110 and switch 104 see [0007] lines 1-6). ii. providing a unique instant voice messaging (IVM) number to each target user (Ball et al: the messaging system can collect input data from the recipient, communicate that data to a specified destination system, such as a server, and place a telephone call to a phone number associated with that destination system see coin:2 lines 63-67) ; and iii. accessing the IVM server; and wherein the step of streaming the at least one voice fragment to at least one target user, until the instant voice message is relayed to the at least one target user includes (Ball et al : the messaging system receives and stores the PML-formatted message sent by the sender over the data network. Upon being accessed by the recipient for retrieval of the message, the system accesses the message, and a processor interprets the PML markup within the message to effect playing of the textual and/or audio fragments of the message to the recipient in accordance with the embedded instructions associated with that markup see col :3 lines 24-32) iv. at the IVM server, starting to record and store fragments of the instant voice message while

accessing the target user (Ball et al: These messaging elements illustratively include large or small textual fragments that, when formulated for presentation to the recipient, are converted by the messaging system to a speech signal (viz., message fragments); large or small audio or textual fragments contained in files that are attached as separate files to the structured message; large or small textual or audio fragments that are located (viz., also message fragments) and retrievable from a specified address on the network on which the messaging system 104 is located; and implicit or explicit embedded instructions that define the structure of the message. The latter includes not only the order in which the message fragments are to be audibly presented to the recipient when the message is retrieved by the recipient from the messaging system 104 see coin:4 line1 and coin:5 lines 1-13).

Regarding claim 23, note that Ball et al disclose the method, further comprising the steps of: c. if the at least one target user answers the IVM server, streaming already stored fragments of the instant voice message to the at least one target user until the instant voice message is transmitted (messaging system 104 is capable of receiving, storing, interpreting, and delivering such structured messages to the intended recipient when he accesses his mailbox through an audio terminal, such as a telephone set 106 connected to the PSTN (public switched telephone network 107). The messaging system 104, as will be described, is also capable of accepting and processing touch- tone keypad or voice inputs from the recipient received during the recipient's interaction with the structured message see coin: 4 lines 52-60) or; d: if the at least one target user does not answer the IVM server, processing the instant voice message at the IVM server according to predetermined rules (The message, including a plurality of such messaging elements is delivered to an address indicated in the message of the recipient's mailbox on a

messaging system that has the capability of interpreting the instructions incorporated within the structured message. That messaging system, upon retrieval by the recipient, assembles, in accordance with the instructions that define the message structure, an audio message using the messaging elements associated with the message content, and presents that assembled message to the recipient in its intended format see coin: 2 lines 10-20).

Regarding claim 24, note that Ball et al disclose the method, wherein the at least one target user is a single target user, and wherein the step of providing an IVM number to the single target user (the messaging system 104 offers the recipient, for example, an opportunity to make an outgoing call to that linked address. If the recipient performs a responsive action to that offer, such as making a keypad entry or supplying a voice input, which command is interpreted by the messaging system to represent an affirmative election by the recipient to select that link, the messaging system 104 dials out to that telephone number over PSTN 107 (or the equivalent for non-PSTN destinations) and, on answer, plays the sequence of DTMF tones corresponding to the "extension", and then allows the recipient to continue on telephone set 106 with the just established call to the answering party at telephone set 115 see coin:13 lines 12-24) includes providing an individual two-part number that includes an IVM session identifier and a telephone number that uniquely identifies the target user (The structured message may also contain embedded addresses, or "links" as they are currently known in the Internet art, that specify a telephone address such as a telephone number (e.g., 630-555-5555 of a telephone set 115 on PSTN 107), or an IP telephony address (e.g. sip:krehor@ipt.training at client terminal 116). The link may optionally also contain additional information, such as DTMF information, which can

typically represent an "extension" specified as a string of keypad numbers see col :12 lines64-67 and coin: 13 lines 1-5).

Regarding claim 25, note that Ball et al disclose the method, wherein the at least one target user includes a plurality of target users (fig. 1 shows plurality of recipients 121-1 and 121-4), and wherein the step of providing an IVM number to the plurality of target users includes providing a three-part, multiple target user number (In addition to links to telephone numbers or IP telephony addresses, the message may contain embedded links that specify destinations for messaging rather than telephony connections see coln:13 lines 37-40)that includes an IVM session identifier, a multiple target user identifier, and a telephone number of each of the target users (The structured message may also contain embedded addresses, or "links" as they are currently known in the Internet art, that specify a telephone address such as a telephone number (e.g., 630- 555-5555 of a telephone set 115 on PSTN 107), or an IP telephony address (e.g. sip:krehor@ipt.training at client terminal 116). The link may optionally also contain additional information, such as DTMF information, which can typically represent an "extension" specified as a string of keypad numbers see col :12 lines64-67 and coin: 13 lines 1-5).

Regarding claim 33, Holt et al discloses an instant voice messaging (IVM) server (Fig. 1 shows voice messaging server 108) comprising: b. a communication mechanism to communicate (telephone 116 calls the subscriber at telephone 106, the call will be processed by the subscriber's host switch 102 in the normal manner. If subscriber line 106a is busy or the call is not answered, the call is forwarded from switch 102 to VMS server 108 via PSTN 110 and switch 104 see [0007] lines 1-6). with the first user (Fig. 1 shows subscriber 116) and the at least one second (Fig. 1 shows subscriber 106). Holt et al does not disclose: a. a mechanism for

receiving at least one voice message fragment from a first user and for essentially simultaneously streaming the at least one voice message fragment to at least one second user. Ball et al from the same or similar endeavor each (the messaging system receives and stores the PML-formatted message sent by the sender over the data network. Upon being accessed by the recipient for retrieval of the message, the system accesses the message, and a processor interprets the PML markup within the message to effect playing of the textual and/or audio fragments of the message to the recipient in accordance with the embedded instructions associated with that markup see coin: 3 lines 24-32). Thus it would have been obvious to one of ordinary skill in the art to implement the method of Ball et al in the system of Holt et al. The method of Holt et al can be implemented on any type of method a mechanism for receiving at least one voice message fragment from a first user and for essentially simultaneously streaming the at least one voice message fragment to at least one second user which is taught by Ball et al with a motivation to re-assemble the message fragments into a unified message for presentation to the recipient of the message.

Regarding claim 34, note that Hot et al disclose the IVM server (Fig. 1 shows voice messaging server 108) also note that Ball et al teaches wherein the mechanism for reception and essentially simultaneous streaming of the at least one voice fragment includes a fragment streaming (the messaging system receives and stores the PML- formatted message sent by the sender over the data network. Upon being accessed by the recipient for retrieval of the message, the system accesses the message, and a processor interprets the PML markup within the message to effect playing of the textual and/or audio fragments of the message to the recipient in accordance with the embedded instructions associated with that markup see coin: 3 lines 24-32)

and storage module operative to recognize the format of the voice message and to save the message in fragments of a given size (pre-recorded audio files containing either small or large voice fragments, through the real-time input of audio fragments see coin:5 lines 29-31).

Regarding claim 36, Holt et al disclose in a communications network, a system for instant voice messaging (Fig.1 shows network-based voice messaging system) comprising: a. an instant voice messaging (IVM) server (Fig.1 shows voice messaging server 108) operative to essentially simultaneously receive from an initiating user (telephone 116 calls the subscriber at telephone 106, the call will be processed by the subscriber's host switch 102 in the normal manner. If subscriber line 106a is busy or the call is not answered, the call is forwarded from switch 102 to VMS server 108 via PSTN 110 and switch 104 see [0007] lines 1-6). having an initiating user handset (Fig. 1 shows subscriber 116). b. a switch (see switch 104) coupled to the IVM server Fig. 1 shows voice messaging server 108) and operative to effect communications between the initiating user (Fig. 1 shows subscriber 116) and each the at least one target user (Fig. 1 shows subscriber 106 and the IVM server, as well as between the initiating and the at least one target users (telephone 116 calls the subscriber at telephone 106, the call will be processed by the subscriber's host switch 102 in the normal manner. If subscriber line 106a is busy or the call is not answered, the call is forwarded from switch 102 to VMS server 108 via PSTN 110 and switch 104 see [0007] lines 1-6). C. a mechanism included in each the handset for allowing a one-push access to the server for sending or listening to the voice message (The message may inform the subscriber that a caller is recording a message to his voice messaging system and may provide an opportunity for the subscriber to monitor the call. If the subscriber accepts the invitation, a voice path may be established, via communications link 20, between packet

telephony client 210 and conference server 202. Once all of the voice paths have been established, a three-way conference call is in progress between the caller at telephone 116, VMS server 108 and the subscriber at packet telephony client 210. If the subscriber declines the invitation, or there is no response from packet telephony client 210, the call between the caller and VMS server 108 continues unimpeded, but still utilizes resources on conference server 202 see [0028] lines 5-18). whereby each voice message originating from the initiating user may be instantly transmitted over the communications network to the at least one target user (telephone 116 calls the subscriber at telephone 106, the call will be processed by the subscriber's host switch 102 in the normal manner. If subscriber line 106a is busy or the call is not answered, the call is forwarded from switch 102 to VMS server 108 via PSTN 110 and switch 104 see [0007] lines 1-6).

Holt et al does not disclose at least one voice message fragment and stream the at least one voice fragment to at least one target user having a respective target user handset .Ball et al from the same or similar endeavor teach (the messaging system receives and stores the PML-formatted message sent by the sender over the data network. Upon being accessed by the recipient for retrieval of the message, the system accesses the message, and a processor interprets the PML markup within the message to effect playing of the textual and/or audio fragments of the message to the recipient in accordance with the embedded instructions associated with that markup see col :3 lines 24-32). Thus it would have been obvious to one of ordinary skill in the art to implement the method of Ball et al in the system of Holt et al. The method of Holt et al can be implemented on any type of method at least one voice message fragment and stream the at least one voice fragment to at least one target user having a respective target user handset which

is taught by Ball et al with a motivation to re\~ assemble the message fragments into a unified message for presentation to the recipient of the message.

Regarding claim 37, Ball et al teach the system, wherein the mechanism includes at least one button, and wherein the one-push operation includes activation of the at least one button (The sender has these predefined fragments available to formulate a message. By activating an audio recorder through button 1010, the sender can record, using a microphone associated with the client terminal, one or more audio clips that can be incorporated into the message and affixed to the message as audio data files see coin: 26 lines 2-7).

Regarding claim 43, Holt et al disclose modified by Ball et al teach the system, wherein at least one of the handsets is a special handset (Holt et al: telephone 116 calls the subscriber at telephone 106, the call will be processed by the subscriber's host switch 102 in the normal manner. If subscriber line 106a is busy or the call is not answered, the call is forwarded from switch 102 to VMS server 108 via PSTN 110 and switch 104 see [0007] lines 1-6), and wherein the at least one button is a dedicated button (Ball et al: The sender has these predefined fragments available to formulate a message. By activating an audio recorder through button 1010 see coin:26 lines 2-4).

Regarding claim 44, Ball et al teach the system, wherein the dedicated button is selected from the group consisting of a dedicated IVM button, a dedicated short message service (SMS) button and a dedicated push-to-talk (PTT) button (When the message has been formulated by the sender, and a destination entered into destination window 1026, the sender selects the send button 1027 see coin: 26 lines33-35).

8. Claims 27-32, 38-41 and 45-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruf et al (US#7,013,155 B1) in view of Amin (US#6,418,307).

Regarding claim 27, Ruf et al disclose a method for instant retrieval of a voice message sent from an initiating user (see sender 102 in fig.1) to a target user (see recipient 104 in fig.I) through an instant voice messaging (IVM) server (see messaging server 106 in fig.1), comprising the steps of: a. by the target user (see recipient 104 in fig.I), receiving a smart notification from the IVM server that the target user is provided with a particular instant voice message (In step 312 of FIG. 3, the message server 106 directs an SMS controller or gateway to generate and send an SMS message, or notification, regarding the fact that a voice message for the recipient wireless device 104 has been stored in IVR voice server 110 see coin:6 lines 43-47). Although Ruf et al disclose target user (see recipient 104 in Fig.I).

However, Ruf et al does not explicitly disclose: b) by the target user directly accessing the particular message. Amin from the same or similar field of endeavor teach the target user directly accessing the particular message (When a particular message is desired, it is highlighted, as indicated by the dotted lines 126, and the send button 124 is then depressed. The particular highlighted message, in this case the message from Joe. Naturally, if the subscriber knows a particular message which is desired such as message no. 5, messages can be scrolled until message no. 5 is highlighted. The send button 24 is depressed and message no. 5 retrieved see coin:4 lines 66-67 and coin:5 lines 1-6).

Thus it would have been obvious to one of ordinary skill in the art to implement the method of Amin in the system of Ruf et al .The method of Ruf et al can be implemented on any

type of method the target user directly accessing the particular message which is taught by Amin with a motivation in order to provide efficient access and retrieval of specific message.

Regarding claim 28, Ruf et al disclose the method, wherein the step of receiving a smart notification includes receiving a notification selected from the group consisting of a caller ID notification and a short message service (SMS) notification (the SMS message notifies recipient wireless station 104 that a voice message is stored in IVR voice server 110 and is waiting to be accessed and includes instructions for enabling the recipient wireless device to access the voice message. The instructions can include the telephone number of the IVR voice server 110 and, optionally, an explanation of the way in which the voice message can be retrieved. The SMS message can also include other information, such as the identity and location of the sender or information describing the subject of the voice message see coin: 7 lines 35 -44).

Regarding claim 29, note that Ruf et al disclose the method, wherein the step of receiving a caller ID notification further includes receiving a notification comprising an access code to an IVM instant retrieval module (IVR server 110 in fig.1), a unique identification code for the particular instant voice message, and a message type (the SMS message notifies recipient wireless station 104 that a voice message is stored in IVR voice server 110 and is waiting to be accessed and includes instructions for enabling the recipient wireless device to access the voice message. The instructions can include the telephone number of the IVR voice server 110 and, optionally, an explanation of the way in which the voice message can be retrieved. The SMS message can also include other information, such as the identity and location of the sender or information describing the subject of the voice message see coin: 7 lines 35 -44).

Regarding claim 30, note that Ruf et al disclose, wherein the message type is selected from the group consisting of an instant voice message a voice-mail, a multi-media service message and a unified message (The present invention is directed to systems and methods for enabling voice messages to be created by a sender and to be delivered to one or more selected recipients of SMS-enabled recipient devices, regardless of the other communication capabilities of the recipient devices. According to the invention, the sender creates an instant voice message at a time selected by the sender and initiates delivery of the voice message to the wireless station of the recipient see coin: 2 lines 7-14).

Regarding claim 31, Amin teach the method, wherein the step of directly accessing the particular message (When a particular message is desired, it is highlighted, as indicated by the dotted lines 126, and the send button 124 is then depressed. The particular highlighted message, in this case the message from Joe. Naturally, if the subscriber knows a particular message which is desired such as message no. 5, messages can be scrolled until message no. 5 is highlighted. The send button 24 is depressed and message no. 5 retrieved see coin:4 lines 66-67 and coin:5 lines 1-6) includes accessing the message while the message is being sent by an initiating user (The voice mail notification is then forwarded to a messaging center of a cellular telephone network (Block 212). The mobile switching center then receives the voice mail notification (Block 214) and forwards it to a base station which transmits the notification by wireless means to a cellular telephone owned by a subscriber of the voice mail system (Block 216). See coin:5 lines 27-33). Thus it would have been obvious to one of ordinary skill in the art to implement the method of Amin in the system of Ruf et al .The method of Ruf et al can be implemented on any type of method wherein the step of directly accessing the particular message includes

accessing the message while the message is being sent by an initiating user which is taught by Amin with a motivation in order to provide efficient access and retrieval of specific message.

Regarding claim 32, Amin teach the method, wherein the step of directly accessing the particular message includes accessing the message after the message has been sent in its entirety by an initiating user (When a particular message is desired, it is highlighted, as indicated by the dotted lines 126, and the send button 124 is then depressed. The particular highlighted message, in this case the message from Joe. Naturally, if the subscriber knows a particular message which is desired such as message no. 5, messages can be scrolled until message no. 5 is highlighted. The send button 24 is depressed and message no. 5 retrieved see coin: 4 lines 66-67 and coin: 5 lines 1-6). Thus it would have been obvious to one of ordinary skill in the art to implement the method of Amin in the system of Ruf et al .The method of Ruf et al can be implemented on any type of method wherein the step of directly accessing the particular message includes accessing the message after the message has been sent in its entirety by an initiating user which is taught by Amin with a motivation in order to provide efficient access and retrieval of specific message.

Regarding claim 38, Amin teach the method of claim 27, wherein said step of accessing said particular message includes directly dialing a prefix of said particular message. (When a particular message is desired, it is highlighted, as indicated by the dotted lines 126, and the send button 124 is then depressed. The particular highlighted message, in this case the message from Joe. Naturally, if the subscriber knows a particular message which is desired such as message no. 5, messages can be scrolled until message no. 5 is highlighted. The send button 24 is depressed and message no. 5 retrieved see coin: 4 lines 66-67 and coin: 5 lines 1-6). Thus it would have been obvious to one of ordinary skill in the art to implement the method of Amin in the system

of Ruf et al. The method of Ruf et al can be implemented on any type of method wherein said step of accessing said particular message includes directly dialing a prefix of said particular message which is taught by Amin with a motivation in order to provide efficient access and retrieval of specific message.

Regarding claim 39, Amin teach The method of claim 27, wherein said step of accessing said particular message includes, by said target user, directly pushing a dial or call button on a telephony handset, while looking at a certain missed message notification. (When a particular message is desired, it is highlighted, as indicated by the dotted lines 126, and the send button 124 is then depressed. The particular highlighted message, in this case the message from Joe. Naturally, if the subscriber knows a particular message which is desired such as message no. 5, messages can be scrolled until message no. 5 is highlighted. The send button 24 is depressed and message no. 5 retrieved see coin: 4 lines 66-67 and coin: 5 lines 1-6). Thus it would have been obvious to one of ordinary skill in the art to implement the method of Amin in the system of Ruf et al. The method of Ruf et al can be implemented on any type of method wherein said step of accessing said particular message includes, by said target user, directly pushing a dial or call button on a telephony handset, while looking at a certain missed message notification which is taught by Amin with a motivation in order to provide efficient access and retrieval of specific message.

Regarding claim 40, note that Ruf et al disclose the method of claim 27, further comprising the step of, by said IVM server (see messaging server 106 in fig.1), pushing said particular message to said target user (message server 106 of FIG. 1 delivers the voice message to an IVR voice server 110 of an IVR system in step 310 in preparation for instructing recipient

wireless device 104 to access the voice message from the IVR voice server see coin:6 LINES 26-30).

Regarding claim 41, note that Ruf et al disclose The method of claim 40, wherein said particular message includes an unheard message, and wherein said step of pushing includes sending said unheard message as a message selected from the group consisting of an IVM, a voice mail message, a multimedia service message, a unified message, a fax message and a push to talk message (The SMS message notifies recipient wireless station 104 that a voice message is stored in IVR voice server 110 and is waiting to be accessed and includes instructions for enabling the recipient wireless device to access the voice message. The instructions can include the telephone number of the IVR voice server 110 and, optionally, an explanation of the way in which the voice message can be retrieved see coin:7 lines 35-42).

Regarding claim 45, Ruf et al disclose a method for retrieving an instant voice message sent from an initiating user (see sender 102 in fig.1) to a target user (see recipient 104 in fig.1) over a communications network (Fig. 1 shows communication network), comprising the steps of: a) receiving a smart short message service (SMS) notification Of the instant voice message, the SMS including a specific number associated with instant voice message (The SMS message notifies recipient wireless station 104 that a voice message is stored in IVR voice server 110 and is waiting to be accessed and includes instructions for enabling the recipient wireless device to access the voice message. The instructions can include the telephone number of the IVR voice server 110 and, optionally, an explanation of the way in which the voice message can be retrieved. The SMS message can also include other information, such as the identity and location of the sender or information describing the subject of the voice message see coin:7 lines 35-47).

Ruf et al does not disclose: b) Dialing directly the specific number to instantly retrieve the instant voice message Amin from the same or similar field of endeavor teach Dialing the specific number to instantly retrieve the instant voice message (a particular message which is desired such as message no. 5, messages can be scrolled until message no. 5 is highlighted. The send button 24 is depressed and message no. 5 retrieved see coin: 4 lines 66-67 and coin: 5 lines 3-6). Thus it would have been obvious to one of ordinary skill in the art to implement the method of Amin in the system of Ruf et al .The method of Ruf et al can be implemented on any type of method Dialing the specific number to instantly retrieve the instant voice message. Which is taught by Amin with a motivation in order to provide efficient access and retrieval of specific message.

Regarding claim 46, Amin teach the method of claim 45, wherein the specific number includes a telephone number (an appended number corresponding to the voice mail message index. For example, the voice mailbox 106 may have seven messages waiting. The display has two messages displayed, indicating party Joe and party Harry, respectively messages 6 and 7 (the index) and the respective telephone numbers see coin:4 lines 57-62).

Regarding claim 47, Amin teach the method of claim 45, wherein the specific number includes at least one digit (an appended number corresponding to the voice mail message index. For example, the voice mailbox 106 may have seven messages waiting. The display has two messages displayed, indicating party Joe and party Harry, respectively messages 6 and 7 (the index) and the respective telephone numbers that inherent one digit see coin:4 lines 57-62). Thus it would have been obvious to one of ordinary skill in the art to implement the method of Amin in the system of Ruf et al .The method of Ruf et al can be implemented on any type of method

wherein the specific number includes at least one digit which is taught by Amin with a motivation in order to provide efficient access and retrieval of specific message.

Regarding claim 48, Amin teach The method of claim 45, wherein the specific number includes at least one digit and a prefix (an appended number corresponding to the voice mail message index. For example, the voice mailbox 106 may have seven messages waiting. The display has two messages displayed, indicating party Joe and party Harry, respectively messages 6 and 7 (the index) and the respective telephone numbers that inherent one digit see coin:4 lines 57-62). and (The telephone includes two up and down scroll key buttons 120, 122 and a send button 124 or it can have soft keys to scroll up and down. The user of the phone can scroll up and down through the messages. When a particular message is desired, it is highlighted, as indicated by the dotted lines 126, and the send button 124 is then depressed see coin:coin:4 lines 63-67 and coin:5 lines 1). Thus it would have been obvious to one of ordinary skill in the art to implement the method of Amin in the system of Ruf et al .The method of Ruf et al can be implemented on any type of method wherein the specific number includes at least one digit and a prefix which is taught by Amin with a motivation in order to provide efficient access and retrieval of specific message.

Regarding claim 49, Amin teach The method of claim 45, wherein the specific number includes a prefix, at least one digit and a suffix. (an appended number corresponding to the voice mail message index. For example, the voice mailbox 106 may have seven messages waiting. The display has two messages displayed, indicating party Joe and party Harry, respectively messages 6 and 7 (the index) and the respective telephone numbers that inherent one digit see coin:4 lines 57-62). and (The telephone includes two up and down scroll key buttons 120, 122 and a send

button 124 or it can have soft keys to scroll up and down. The user of the phone can scroll up and down through the messages. When a particular message is desired, it is highlighted, as indicated by the dotted lines 126, and the send button 124 is then depressed see coin:coin:4 lines 63-67 and coin:5 lines 1). Thus it would have been obvious to one of ordinary skill in the art to implement the method of Amin in the system of Ruf et al .The method of Ruf et al can be implemented on any type of method wherein the specific number includes a prefix, at least one digit and a suffix which is taught by Amin with a motivation in order to provide efficient access and retrieval of specific message.

Regarding claim 50, note that Ruf et al disclose the method of claim 45, wherein the step of receiving includes receiving the smart SMS notification from an instant voice messaging (IVM) server(see messaging server 106 in fig.1) and wherein the step of directly dialing the specific number includes directly dialing the IVM server using the specific number (The SMS message notifies recipient wireless station 104 that a voice message is stored in IVR voice server 110 and is waiting to be accessed and includes instructions for enabling the recipient wireless device to access the voice message. The instructions can include the telephone number of the IVR voice server 110 and, optionally, an explanation of the way in which the voice message can be retrieved. The SMS message can also include other information, such as the identity and location of the sender or information describing the subject of the voice message see coin:7 lines 35-44).

9. Claims 5 and 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holt et al (US 20030118160 A1) in view of Ball et al (US 6240391 B1) as applied in claim 1 above and further in view of Corliss et al (US 6771949 B1).

Regarding claim 5, Holt et al and Ball et al does not disclose the system, wherein the cellular network implements a technology selected from the group consisting of a 1st generation (1G), 2nd generation (2G), 2.5 generation (2.5G), and 3rd generation (3G) cellular technology. Corliss from the same or similar endeavor teach (according to the present invention is for use in a communication network for routing a wireless voice mail message notification to a subscriber. The system includes an Internet gateway in communication with the communication network. Also included is a database which has a list of subscriber e-mail addresses corresponding to each subscriber's voice mailbox see coin: 3 lines 1-8). Thus it would have been obvious to one of ordinary skill in the art to implement the method of Corliss in the system of Holt et al and Ball et al. The method of Holt et al and Ball et al can be implemented on any type of method wherein the cellular network implements a technology selected from the group consisting of a 1st generation (1G), 2nd generation (2G), 2.5 generation (2.5G), and 3rd generation (3G) cellular technology which is taught by Corliss with a motivation to route a wireless voice message notification to a subscriber.

Regarding claim 13, Holt et al and Ball et al does not disclose the system, further comprising an instant retrieval module preferably included in the IVM server and operative to provide a first smart notification to the at least one target user in case the pushing of the instant voice message fails, and a second notification to the initiating user about a status of the message. Corliss from the same or similar endeavor teach (further comprising an instant retrieval module

preferably included in the IVM server and operative to provide a first smart notification (advantages of the present invention, provided is a method for providing voice message notification to a voice mail subscriber over the Internet. The subscriber has a telephone serviced by a corresponding switch. The method includes receiving a voice message from a calling party for the subscriber, and further includes forwarding the voice message to a mailbox for storage therein. Also included is generating the message notification upon receipt of the voice message see coin:2 lines 11-19) to the at least one target user in case the pushing of the instant voice message fails, and a second notification to the initiating user about a status of the message (The method includes receiving a voice message from a calling party for the subscriber, and further includes forwarding the voice message to a mailbox for storage therein. Also included is generating the message notification upon receipt of the voice message see coin:2 lines 16-19). Thus it would have been obvious to one of ordinary skill in the art to implement the method of Corliss in the system of Holt et al and Ball et al. The method of Holt et al and Ball et al can be implemented on any type of method the system, further comprising an instant retrieval module preferably included in the IVM server and operative to provide a first smart notification to the at least one target user in case the pushing of the instant voice message fails, and a second notification to the initiating user about a status of the message which is taught by Corliss with a motivation to route a wireless voice message notification to a subscriber.

Regarding claim 14, note that Corliss teach the system, wherein the status is selected from a rejection of the message by the at least one target user and acceptance of the message by the at least one target user (Voice response unit 18 also includes control logic 20 for determining into which mailbox to place the voice message. In the wireless network, control logic 20

communicates with service node 16 for generating messages for receipt by wireless switch 12 instructing switch 12 to provide the voicemail message notification services to the subscriber see coin:4 lines 58-63).

Regarding claim 15, note that Corliss teaches the system, further comprising a short messaging service center (Service node 16 is a node, acting as a Short Message Service Center (SMSC) see coin:4 lines 35-36) coupled to the IVM server and the switch (The system has a switch which supplies telecommunication services to the subscriber. Also included is a voice response unit which is coupled to the switch and is operative to receive an uncompleted call from a calling party to the telephone associated with the subscriber, forward the call to a voice response unit and receive a voice mail message in a subscriber mailbox see coin:3 lines 42-48), wherein the smart notification is selected from the group consisting of a short message service (SMS) notification (The subscriber has a telephone serviced by a corresponding switch. The method includes receiving a voice message from a calling party for the subscriber, and further includes forwarding the voice message to a mailbox for storage therein. Also included is generating the message notification upon receipt of the voice message. The message notification is of the SMS type see coin:2 lines 16-21) and a smart caller identification (ID).

Regarding claim 16, Holt et al and Ball et al does not disclose the system, further comprising a presence status subsystem coupled to the IVM server and operative to provide a status parameter of the at least one target user. Corliss from the same or similar endeavor teach (The system has a switch which supplies telecommunication services to the subscriber. Also included is a voice response unit which is coupled to the switch and is operative to receive an uncompleted call from a calling party to the telephone associated with the subscriber, forward

the call to a voice response unit and receive a voice mail message in a subscriber mailbox see coin:3 lines 42-48) Thus it would have been obvious to one of ordinary skill in the art to implement the method of Corliss in the system of Holt et al and Ball et al. The method of Holt et al and Ball et al can be implemented on any type of method further comprising a presence status subsystem coupled to the IVM server and operative to provide a status parameter of the at least one target user which is taught by Corliss with a motivation to route a wireless voice message notification to a subscriber.

Regarding claim 17, note that Corliss teach the system, wherein the presence status subsystem is selected from the group of a presence status module included in the IVM server (Another link 14 is provided between SMS service node 16 and wireless switch 12, which is an SS7 link. Thus, voice response unit 18, upon receipt and storage of a voice mail message in a subscriber's mailbox 19, generates an SMS message notification signal across data link 24 to service node 16. The signal indicates the presence and number of voice mail messages in a voice mailbox corresponding to a particular subscriber/wireless phone number see coin:5 lines 17-24) and an external presence status server coupled to the IVM server.

10. Claims 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Holt et al (US 20030118160 A1) in view of Ball et al (US 6240391 B1) and Corliss et al (US 6771949 B1) as applied in claim 17 above and further in view of Diacakis (US 20020120774 A1).

Regarding claim 18, Holt et al and Ball et al and Corliss does not disclose the system, wherein the cellular network is a global system for mobile communications (GSM) network, and wherein the presence status server is further coupled to a home location register. Diacakis from

the same or similar endeavor teach (the presence detection engine 18 may be in communication with a service control point (SCP) of the SS7 network. According to another embodiment, the presence detection engine 150 may receive inputs from a Home Location Register (HLR) of a wireless telephone network to determine if the individual is present on his mobile phone 166. The wireless telephone network may be, for example, an AMPS (Advanced Mobile Phone Service) network, a TACS (Total Access Communication System) network, a UMTS (Universal Mobile telecommunications System), a GSM network, a CDMA network, a TDMA network, a GPRS (General Packet Radio Service) network or a wireless CDPD (Cellular Digital Packet Data) network see [0043]). Thus it would have been obvious to one of ordinary skill in the art to implement the method of Corliss in the system of Holt et al, Ball et al and Corliss. The method of Holt et al, Ball et al and Corliss can be implemented on any type of method wherein the cellular network is a global system for mobile communications (GSM) network, and wherein the presence status server is further coupled to a home location register which is taught by Diacakis with a motivation in order to provide voice activated presence information.

11. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Holt et al (US 20030118160 A1) in view of Ball et al (US 6240391 B1) as applied in claim 1 above and further in view of McZeal ,Jr (US 6763226 B1).

Regarding claim 20, Holt et al and Ball et al does not disclose the system, further comprising a push-to-talk (PTT) module included in the IVM server and operative to facilitate instant voice messaging between the initiating user and the at least one PTT target user. McZeal Jr. from the same or similar endeavor teach(The operations of this PUSH-TO-TALK function

button is very simple in that an end user would simply highlight or select a particular person in which he/she wishes to chat with and then press the PUSH-TO-TALK button. Once the button has been depressed the action will execute a command to contact a remote user on the network see coln:35 lines 5-10). Thus it would have been obvious to one of ordinary skill in the art to implement the method of McZeal, Jr in the system of Holt et al and Ball et al. The method of Holt et al and Ball et al can be implemented on any type of method further comprising a push-to-talk (PTT) module included in the IVM server and operative to facilitate instant voice messaging between the initiating user and the at least one PTT target user which is taught by McZeal ,Jr with a motivation to provide uniformed global wireless communication operates anywhere on earth.

12. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Holt et al (US 20030118160 A1) in view of Ball et al (US 6240391 B1) as applied in claim 23 above and further in view of Grabelsky et al (US 20040003046 A1)

Regarding claim 26, Holt et al and Ball et al disclose the method, wherein the step of streaming already stored fragments (Ball et al: the messaging system receives and stores the PML-formatted message sent by the sender over the data network. Upon being accessed by the recipient for retrieval of the message, the system accesses the message, and a processor interprets the PML markup within the message to effect playing of the textual and/or audio fragments of the message to the recipient in accordance with the embedded instructions associated with that markup see col :3 lines 24-32). Holt et al and Ball et al does not disclose followed by an operation selected from the group of, by the at least one target user, moving to full-duplex session with the initiating user mad further processing the instant voice message. Grabelsky et al

from the same or similar endeavor teach (session bridging between users may span two or more conference servers. According to one embodiment, RTP sessions between the conference servers and client terminals may be full-duplex, i.e., allowing bi-directional data transmission on a signal carrier at the same time. In an alternative embodiment, a half-duplex communication, i.e., allowing a bi-directional data transmission on a bi-directional communication link, but not at the same time, may be reinforced when actual voice messages are sent to avoid introduction of echo see [0037] lines 13-22). Thus it would have been obvious to one of ordinary skill in the art to implement the method of Grabelsky et al in the system of Holt et al and Ball et al. The method of Holt et al and Ball et al can be implemented on any type of method followed by an operation selected from the group of, by the at least one target user, moving to full-duplex session with the initiating user and further processing the instant voice message which is taught by Grabelsky et al with a motivation in order to provide bidirectional data transmission across communication networks.

13. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Holt et al (US 20030118160 A1) in view of Ball et al (US 6240391 B1) as applied in claim 33 above and further in view of Ruf et al (US 7013155 B1)

Regarding claim 35, Holt et al and Ball et al disclose the IVM server (Holt et al: Fig.1 shows voice messaging server 108). Holt et al and Ball et al does not disclose further comprising an instant retrieval module operative to provide a smart notification to the at least one second user that the instant voice message is being sent to the at least one second user. Ruf et al from the same or similar endeavor teach further comprising an instant retrieval module operative to

provide a smart notification to the at least one second user (see recipient 104 in fig.1), that the instant voice message is being sent to the at least one second user (In step 312 of FIG. 3, the message server 106 directs an SMS controller or gateway to generate and send an SMS message, or notification, regarding the fact that a voice message for the recipient wireless device 104 has been stored in IVR voice server 110 see coin:6 lines 43-47). Thus it would have been obvious to one of ordinary skill in the art to implement the method of Ruf et al in the system of Holt et al and Ball et al. The method of Holt et al and Ball et al can be implemented on any type of method further comprising an instant retrieval module operative to provide a smart notification to the at least one second user that the instant voice message is being sent to the at least one second user which is taught by Ruf et al with a motivation to provide an efficient instant voice message delivery in a wireless network using the SMS protocol.

14. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Holt et al (US 20030118160 A1) in view of Ball et al (US 6240391 B1) as applied in claim 36 above and further in view of Moore et al (US 20030193961 A1)

Regarding claim 42, Holt et al and Ball et al does not disclose the system wherein the IVM server optionally includes a smart charging module operative to provide smart charging for actions effected through the IVM server. Moore et al from the same or similar endeavor teach (Both the intelligent presence gateway 105, via connection 14, and voice processing system 103, via connection 12, are coupled to a billing system 123 for recording service and session events that allow the enhanced services presence-based call completion to be charged on a per-call, per-message, per event, per minute, or other per-unit of time or data basis see [0096] lines 1-7 and

Fig.1). Thus it would have been obvious to one of ordinary skill in the art to implement the method of Moore et al in the system of Holt et al and Ball et al. The method of Holt et al and Ball et al can be implemented on any type of method wherein the IVM server optionally includes a smart charging module operative to provide smart charging for actions effected through the IVM server which is taught by Moore et al with a motivation to provides for authorizing the fulfillment of service requests based upon information pertaining to a billable account.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The Rojas (US#7,535,890) show the system and method for instant VoIP messaging.

The Rojas (US#2009/0161665) show the system and method for instant VoIP messaging.

The Rojas (US#2009/0161664) show the system and method for instant VoIP messaging.

The Pekarovic et al. (US#2006/0256940) show the inmate voice mail system and method.

16. **THIS ACTION THIS ACTION IS MADE FINAL.** See MPEP ' 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,

will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Phan whose telephone number is (571) 272-3149. The examiner can normally be reached on Mon - Fri from 6:00 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dang Ton, can be reached on (571) 272-3171. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at toll free 1-866-217-9197.

Mphan

May 21, 2010

/Man Phan/

Primary Examiner, Art Unit 2475